DOCUMENT RESUME

ED 415 594 EC 306 060

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TITLE Working Effectively with Persons Who Have Cognitive Disabilities. Implementing the Americans with Disabilities Act Series.
INSTITUTION State Univ. of New York, Ithaca. School of Industrial and Labor Relations at Cornell Univ.
SPONS AGENCY National Inst. on Disability and Rehabilitation Research (ED/OSERS), Washington, DC.
PUB DATE 1994-01-00
NOTE 5p.
CONTRACT H133D10155
AVAILABLE FROM ILR Program on Employment and Disability; ILR Extension Building, Room 102, Cornell University, Ithaca, NY 14853-3901; telephone: 607-255-7727; TTY: 607-255-2891; fax: 607-255-2763.
PUB TYPE Guides - Non-Classroom (055)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Civil Rights Legislation; Compliance (Legal); *Equal Opportunities (Jobs); Equal Protection; Federal Legislation; Job Application; Job Training; *Legal Responsibility; *Mental Retardation
IDENTIFIERS *Americans with Disabilities Act 1990; Employment Accommodations (Disabilities); *Reasonable Accommodation (Disabilities)

ABSTRACT

This brief paper uses a question-and-answer format to summarize requirements of the Americans with Disabilities Act (ADA) of 1990 related to employment of persons who have cognitive disabilities. Questions address the following topics: (1) the meaning of "reasonable accommodation" under the law; (2) what is meant by a cognitive disability; (3) considerations during the job application and interview process (such as simplifying and minimizing wording on the job application); (4) job training and performance considerations (such as breaking job tasks down into small steps); and (5) other considerations, including use of an advocate and involving the individual in determining accommodations. A listing of five resources is provided. (DB)

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WORKING EFFECTIVELY WITH PERSONS WHO HAVE COGNITIVE DISABILITIES

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EC 306060

What is Reasonable Accommodation?

The critical concept in the Employment Provisions (Title I) of the Americans with Disabilities Act of 1990 (ADA) is that of *reasonable accommodation*. Reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and enjoy an equal employment opportunity. The employer's obligation to provide a reasonable accommodation applies to all aspects of employment; the duty is ongoing and may arise any time a person's disability or job changes, unless the accommodation causes an undue hardship to the employer. An employment opportunity cannot be denied to a qualified applicant or employee because of the need to provide reasonable accommodation.

According to the ADA, if the cost of an accommodation would impose an *undue hardship* on the employer, the individual with a disability should be given the option of providing the accommodation or paying that portion of the cost which would otherwise constitute an undue hardship for the employer.

Who is Likely to Need an Accommodation for a Cognitive Disability?

"Cognition" refers to "understanding", ability to comprehend what you see and hear, and to infer information from social cues and "body language". People with these impairments may have trouble learning new things, making generalizations from one situation to another, and expressing themselves through spoken or written language. Cognitive limitations can arise at any age but those encountered in people of employable age are very likely to have existed since childhood; in this case the limitation may have affected life experience as well as school learning. In the past, hundreds of thousands of these individuals have ended up on welfare, but in recent years a number of major service industries, - hotel chains, supermarkets, banks, fast food chains, retail stores - have found that it pays to accommodate employees with cognitive support needs. Since the pattern of need for supports is highly individual, it is important to take time to get acquainted with the applicant or employee and to structure one's approaches accordingly.

Cognitive limitations of varying degrees can often be found in people who have been classified in school as learning disabled, mentally retarded, autistic, multiply handicapped, or who have been diagnosed as having a head injury or Down Syndrome. It is important, however, not to approach an individual with any

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preconceived notions as to his or her specific capabilities. Not everyone who is slow speaking is cognitively impaired.

What Considerations Might be Important in the Job Application and Interview Process?

Individuals with cognitive disabilities may require help in the job application and interview process. Some easy accommodations to make during these processes could include:

- Simplifying and minimizing wording on the job application;
- Clarification and assistance in completing information needed on the job application;
- Conducting a verbal interview to obtain job application information that may be more complex in nature and difficult to put in writing;
- Describing job requirements clearly, concisely and simply; showing the person the job;
- Adjusting length of interview to maximize applicants ability to remain attentive and decrease stress level;
- Interviewing in a quiet, informal, distraction-free environment;
- Using multiple formats to advertise job postings, such as newspaper and radio advertising.

What About Job Training and Performance Considerations?

Individuals with cognitive disabilities may have directly relevant work experience, but sometimes they may need to be taught their specific job. In this case, the reasonable accommodation needed may be to have added assistance in job training. Such an accommodation could mean that the employer or supervisor:

- spend additional time in training the new employee;
- break job tasks down into smaller steps which are more clearly defined;
- use very clear and basic language to provide job instructions;
- develop a set routine in a job;
- develop a consistent work sequence;
- allow the employee to use alarm watches or timers;
- develop pictures or diagrams showing job sequence to assist in learning tasks;
- teach the employee with the disability how to follow the example of co-workers to learn work routines and appropriate work behaviors;
- encourage co-worker involvement in ongoing support, if needed.

It is most helpful if the employer or supervisor takes time to orient the employee to company rules as presented in the basic orientation training or company handbook; being clear about the expected level of quantity and quality of work, and the method of performance appraisal should be a part of this discussion.

The ADA's mandate to accommodate includes all aspects of employment. Another potential accommodation for a person with cognitive support needs may be assistance in fitting in with co-workers. Once hired and in the job, the employee might need added assistance to be included in company social events, participate in in-service training, and to be considered for job advancement and promotional opportunities.

Some other such supports to consider may include:

- developing a transportation network to aid the employee in attending social activities;
- facilitating relationships with co-workers;
- ensure accessibility of in-service training activities;
- investigating other jobs for promotion potential;
- maintaining an open relationship with the employee regarding performance and work behavior expectations.

Are There Other Possible Considerations in Working with People with Cognitive Disabilities?

The ADA encourages the reasonable accommodation process to be an informal, interactive process which starts with the employer and the person with the disability jointly exploring what the best accommodation might be to support the individual. In the case of a person with cognitive disabilities, it might also be desirable to involve in this process someone who can serve as an advocate and assist in communication, such as a job coach, family member, or rehabilitation counselor. The potential employee should, to the maximum extent possible, be central in these discussions.

Individuals with cognitive disabilities who aspire to enter the job market generally have some sense of their own limitations. In fact such a sense is usually a positive indicator of success; at the same time the individual is likely to be sensitive to the stigma attached to his or her limitations and eager not to be identified as "retarded" or "stupid". The initial encounter is therefore very important. Creating an atmosphere of acceptance and trust at the outset does not prejudice the outcome in either direction.

While an individual with a cognitive disability may require support in the other areas mentioned below, it is important to check with a particular individual regarding the level of support that applicant or employee may need. Special considerations may include:

- not speaking in so simple (or loud) and basic a manner as to offend the individual;
- assigning and matching jobs that appropriately challenge and engage the individual;
- speaking directly to the individual regarding matters of concern;
- encouraging natural social relationships with co-workers;
- when using adaptations, job modifications or other supports, making sure the individual with the disability is included in deciding which kinds of aids will be useful.

Where Can I Find Resources to Assist in the Accommodation Process?

A possible resource for both the employer and potential accommodation for the individual with a disability may be using supported employment and job coaching to assist the potential employee in the job application process, learning the tasks of the job, sustaining and progressing in the job, facilitating use of existing resources in the job, and moving to expanded job responsibilities, new career opportunities when possible, and serving as a human resources consultant. Additional contact information on national resources and resources in your area are listed below.

Resources

National and State Resources to gain further information about accommodations for persons with cognitive support needs are:

ADA Regional Disability and Business Technical Assistance Center Hotline - (800) 949-4232 (voice/TTY).

The Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, DC 20507, 800-669-4000 (Voice) to reach EEOC field offices; for publications call (800) 800-3302 or (800)-669-EEOC (voice/TTY).

State Offices of Vocational Rehabilitation

The Association of Persons in Supported Employment (APSE), 5001 West Broad Street, Suite 34, Richmond, VA 23230, phone (804)282-3655.

The Arc, 500 East Border Street, Suite 300, Arlington, Texas 76010, 817/261-6003 (voice) or 817/277-0553 (TTY).

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The authors would like to gratefully acknowledge the helpful suggestions made by Dr. Elizabeth Boggs, in the development of this publication.

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This material was produced by the *Program on Employment and Disability*, School of Industrial and Labor Relations - Extension Division, Cornell University, and funded by a grant from the National Institute on Disability and Rehabilitation Research (grant #H133D10155). It has been reviewed for accuracy by the U.S. Equal Employment Opportunity Commission. However, opinions about the Americans with Disabilities Act (ADA) expressed in this material are those of the author, and do not necessarily reflect the viewpoint of the Equal Employment Opportunity Commission or the publisher. The Commission's interpretations of the ADA are reflected in its ADA regulations (29 CFR Part 1630), its Technical Assistance Manual for Title I of the Act and in various enforcement guidance.

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In addition to serving as a National Materials Development Project on the Employment Provisions of the Americans with Disabilities Act of 1990, the *Program on Employment and Disability* also serves as the training division of the Northeast Disability and Business Technical Assistance Center. This publication is one of a series edited by Susanne M. Bruyère, Ph.D., C.R.C., Director of the ILR Program on Employment and Disability at Cornell University.

OTHER TITLES IN THIS *IMPLEMENTING THE ADA* SERIES ARE:

- Working Effectively with People who are Deaf or Hard of Hearing
- Working Effectively with People who are Blind or Visually Impaired
- Working Effectively with Persons who have Cognitive Disabilities
- Workplace Accommodations for Persons with Musculoskeletal Disorders
- Working Effectively with Employees who have Sustained a Brain Injury
- Employing and Accommodating Workers with Psychiatric Disabilities
- Employing and Accommodating Individuals with Histories of Alcohol and Drug Abuse
- Employment Considerations for People who have Diabetes
- Accommodating the Allergic Employee in the Workplace
- Causes of Poor Indoor Air Quality and What You Can Do About It
- Working Effectively with People with Learning Disabilities
- Working Effectively with Individuals who are HIV-Positive

These and other informational brochures can be accessed on the World Wide Web at:
www.ilr.cornell.edu/ped/ada

For further information about publications such as these, contact the ILR Program on Employment and Disability, Cornell University, 102 ILR Extension, Ithaca, New York 14853-3901; or at ***607/255-2906*** *(Voice),* ***607/255-2891*** *(TTY), or* ***607/255-2763*** *(Fax).*